

**Minutes  
Bar Harbor Planning Board  
January 21, 2009  
Council Chambers – Municipal Building  
93 Cottage Street**

**I. CALL TO ORDER — 6:04 p.m.**

*Members present: Kevin Cochary, Vice-Chair; Lynne Williams, Secretary; Dave Bowden, Member; Buck Jardine, Member. Also present: Anne Krieg, Planner; Kris Hultgren, Staff Planner*

**II. EXCUSED ABSENCES**

*Ms. Bowden moved to excuse Ms. Stevens-Rosa from the meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.*

**III. ADOPTION OF THE AGENDA**

*Mr. Bowden moved to adopt the agenda. Ms. Williams seconded and the Board voted unanimously to approve the motion.*

**IV. APPROVAL OF MINUTES**

*Mr. Bowden moved to approve the minutes from the December 17 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.*

**V. REGULAR BUSINESS**

**A. Public Hearing – SD-07-08 – Seabury Woods**

**Project Location:** Seabury Drive, Bar Harbor Tax Map 207, Lot 32

**Applicant:** Tranquility Bond, LLC

**Application:** Proposes a 7 lot residential subdivision

Mr. Cochary introduced new Planning Board member Buck Jardine.

Sam Coplon, representing the applicant, gave the Board an overview of the project. His description included the details about the road, the entrance from Rt. 3 and the project's history.

Mr. Bowden asked where the driveway is that will serve Lot 1. Mr. Coplon responded that Lot 1 will be accessed by Seabury Drive.

Ms. Williams asked the applicant if the new lot owners will contribute to the maintenance of the road. Alison King, representing the applicant, noted that deed research showed various road agreements with lot owners but said the applicant proposes that all owners on Seabury Drive contribute to the road association evenly.

Mr. Cochary asked why the project parcel was originally excluded from the road association. Mr. Coplon said that is because this lot was retained by the developer and was not part of the original road association.

Ms. Williams asked the applicant about access to the fire pond. Mr. Coplon explained that the new road association will include maintaining the fire pond.

Mr. Cochary asked Ms. Krieg if the fire chief signed off on the project and Ms. Krieg confirmed that he had.

Mr. Bowden asked the applicant why it is not planning to improve the road in front of the subject parcel to a Collector Street standard as the new lots will create a Collector Street. Mr. Coplon noted that the proposed standards are safe and make sense for this project. Mr. Bowden reiterated his feeling that the road should be build to Collector Street standards.

Mr. Bowden asked the applicant the difference between basic sight distance and mobility sight distance. Ryan Flint, from Hedifine Engineering, the engineering firm hired by the applicant, noted that the mobility sight distance takes moving traffic into consideration.

Mr. Cochary commented that his is inclined to follow the road standards in the LUO. Mr. Cochary asked Mr. Flint why the grade could not be 3%. Mr. Flint explained that the relatively short distance is difficult to create the vertical curve to reach the appropriate grades.

Mr. Cochary noted that some documents referred both to SD-07-07 and SD-07-08 and asked the Board members if they had a problem with accepting submissions with both numbers. No Board members had a problem with that.

Mr. Cochary opened the hearing to the public.

John Kelly, an abutter to the project, noted that the applicant has discussed the road association but no details have been given by the applicant. He also noted that he does not feel like the application is complete because legal documents like covenants for the land are not included. Mr. Kelly also asked who would maintain the fire pond. He requested an operations and maintenance plan as part of the legal documents. He wants a road association for all lots so everyone contributes fairly and everyone contributes to the maintenance of the fire pond.

The Board and Mr. Kelly continued to discuss how the fire pond will be maintained. The applicant agreed to provide details to the Board about how it would be maintained.

Greg Moore, an abutter, asked the Board if this project continues a subdivision or if this is a new subdivision. Ms. Krieg noted that this is a modification of a previously approved subdivision.

Mr. Moore went on to note that the road was built too long to begin with. He also noted a problem with the line of sight at the intersection of Rt. 3 and Seabury Drive.

Mr. Cochary noted 125-76 and the language referring to a revision of a subdivision.

***Mr. Bowden moved to continue the public hearing to the February 4, 2009 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

**B. Public Hearing – SD-08-02 – Silent Stream**

**Project Location:** Gilbert Farm Road, Bar Harbor Tax Map 220, Lot 61-2

**Applicant:** Mark Hamblen

**Application:** Proposes a 2 lot residential subdivision

Noel Musson, representing the applicant, reviewed the proposal with the Board.

The Board and the applicant discussed the new IF&W critical habitat map and the applicant confirmed that the subject property is not part of the new critical habitat map.

The Board confirmed with the applicant that a road owners association would be created and any future lots using the road would be required to be part of the road association.

Mr. Cochary opened the meeting to public comment. There was no public comment.

The applicant noted that at this point no road association would be created with two lots but if more lots are added to the road then an association would be created.

Mr. Bowden asked the Board if a road association should be submitted before approval is granted. The Board discussed the creation of a road association.

Mr. Musson suggested making the road association a condition of approval. Mr. Bowden noted that he prefers to see a road association agreement before the project is approved. Applicant agreed.

***Ms. Williams moved to close public hearing. Mr. Bowden seconded and the Board voted unanimously to approve the motion.***

***Mr. Bowden moved to approve the project with the condition that a road association is drawn up and approved by the Planning Director and utilities will be underground if they come off of Gilbert Farm Road. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

**C. Completeness Review – SD-08-01 – Foxfields Farm**

**Project Location:** 47 Foxfields Farm Road, Bar Harbor Tax Map 226, Lot 9

**Applicant:** Linda Hirsch

**Application:** Proposes a 6 lot residential subdivision

Mr. Coplon reviewed the application with the Board. He noted the access roads and natural features of the land.

Mr. Coplon noted he is in discussion with the Fire Chief about the width of the road. Ms. Krieg noted that the Fire Chief verbally committed to a 16 foot road width but staff would follow-up.

Mr. Bowden expressed concern with the stormwater impacts on abutting properties. Mr. Coplon noted that during the stormwater calculations a much greater amount of impervious surface was factored in to the post-development calculations. The maintenance of the drainage structure will be built into the home owners association.

Mr. Bowden noted his discomfort with reducing the road width to 14 feet because up to 12 units could be built on the roads.

Ralph Calderon, an abutter to the property, asked that some recourse is provided if the stormwater improvements do not work. He also noted he would prefer the road to be as narrow as possible.

***Ms. Williams moved to find the application complete. Mr. Bowden seconded and the Board voted unanimously to approve the motion.***

A public hearing is scheduled for March 4, 2009.

## **VI. OTHER BUSINESS**

- A. Discussion about Land Use Ordinance amendments for June 2009
  - Sign Ordinance

Ms. Krieg updated the Board on the progress of the sign ordinance.

- B. Shared Parking Agreement: Jeffrey Wooster and Suzanne Sylvia

Ms. Krieg reviewed the shared parking agreement.

***Mr. Bowden moved to approve the shared parking agreement. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

- C. Possible Endorsement of Grayson Lane Minor Subdivision

The Board endorsed the project.

- D. Possible Endorsement of Owl's Nest Subdivision

The Board endorsed the project.

**VII. PLANNING DIRECTOR'S REPORT**

A. Vacation Rentals – recent and pending appeals

Ms. Krieg updated the Board on the vacation rental appeals in process.

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**VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

There were no comments.

**IX. ADJOURNMENT – 9:02 pm**

*Mr. Cochary moved to adjourn. Mr. Bowden seconded and the Board voted unanimously to approve the motion.*

*Signed as approved:*

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Lynne Williams, Secretary  
Planning Board, Town of Bar Harbor

Date